

**U.S. PROBATION OFFICE**  
**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TENNESSEE**

**PETITION FOR WARRANT FOR OFFENDER UNDER SUPERVISION**

**Name of Offender:** Robert Mark McPherson

**Docket Number:** 2:08-CR-38-014

**Name of Sentencing Judicial Officer:** The Honorable R. Leon Jordan  
United States District Judge

**Date of Original Sentence:** February 17, 2010

**Original Offense:** Conspiracy to Distribute and Possession with Intent to Distribute Five (5) Grams or More of Methamphetamine

**Class:** B Felony

**Criminal History Category:** II

**Original Sentence:** 60 months imprisonment, to be followed by four (4) years of supervised release

**Type of Supervision:** Supervised Release

**Agreed Order of Revocation January 7, 2016:** Six (6) months imprisonment, followed by three (3) years of supervised release

**Report on Offender Under Supervision August 22, 2016:** Reported a failed drug screen with a proposed plan of action

**Report on Offender Under Supervision September 23, 2016:** Reported a failed drug screen with a proposed plan of action

**Date Supervision Commenced:** June 14, 2016

**Date Supervision Expires:** June 13, 2019

**Assistant U.S. Attorney:** Caryn Hebets

**Defense Attorney:** To be determined

**Revocation Guideline Range:** 6 - 12 months

**Statutory Maximum:** 30 months

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### PETITIONING THE COURT

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- |   |   |
|---|---|
| 1 | <b>General Condition:</b> The defendant shall not commit another federal, state, or local crime.  |
| 2 | <b>General Condition:</b> The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court. |
| 3 | <b>Standard Condition No. 7:</b> The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.   |
| 4 | <b>Standard Condition No. 8:</b> The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.  |
| 5 | <b>Standard Condition No. 9:</b> The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.   |

On August 9, 2016, this offender tested presumptively positive for methamphetamine and admitted to using on August 7, 2016. The offender was referred to Frontier Health in Bristol, Tennessee to begin substance abuse counseling.

On September 14, 2016, this offender tested presumptively positive for methamphetamine and admitted to using on September 11, 2016. Mr. McPherson's drug screens were increased in frequency and he was instructed to remain in substance abuse treatment.

On October 25, 2016, this offender tested presumptively positive for methamphetamine and admitted to using on October 22, 2016.

Pursuant to Title 21 U.S.C. § 844, the offender committed the offense of simple possession by possessing the substances for which he tested positive.

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Additionally, pursuant to Title 21 U.S.C. § 844, if the offender commits simple possession after a prior conviction for any drug, narcotic, or chemical offense chargeable under the law of any State, he shall be sentenced to a term of imprisonment for not less than 15 days but not more than two (2) years. Mr. McPherson has a prior conviction for Possession of Schedule II Controlled Substance in Sullivan County, Tennessee.

**Assessment of Flight/Danger and Bond Recommendation:** Based on the offender's conduct while on supervision, including a continued and documented history of drug use, Mr. McPherson appears to be a danger to the community. This officer has no information to suggest Mr. McPherson to be a risk of flight; however, there appears to be no condition nor set of conditions that may mitigate this risk. Therefore, this officer respectfully recommends he be detained pending a revocation hearing.

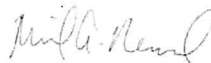
**Petitioning the Court to order:**

That a warrant be issued and the defendant be ordered to appear in Court for a hearing to determine whether the term of supervision should be revoked.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 26, 2016.

Respectfully submitted,



2016.11.01 15:42:17  
-04'00'

Michael Ashley Newland  
United States Probation Officer

APPROVED:



2016.11.01  
15:37:27 -04'00'

For: C. Dan Thornton, Jr.      Date  
Supervising United States Probation Officer

MAN:tbw

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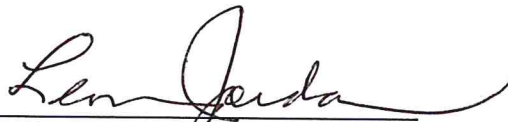
**ORDER OF COURT:**

A warrant is to be issued and the defendant is ordered to appear in Court for a hearing to determine whether the term of supervision should be revoked. This petition is to be placed under seal until the defendant is arrested or appears in Court.

So ordered.

ENTER.

11-2-16

  
The Honorable R. Leon Jordan  
United States District Judge